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Attorneys for the United States

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
JOHN BADEA,
Defendant.

Case No. 2:19-CR-00017-APG-VCF

Stipulation To Continue Sentencing Hearing (Second Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou, Acting United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for the United States of America, and Jason R. Margolis, Esq., counsel for John Badea, (“Badea”), that the sentencing hearing in the abovementioned case, which is currently scheduled for April 6, 2021, at 9:00 a.m., be continued and reset to a date and time convenient to this Court, but not earlier than April 20, 2021 for the following reasons:

1 1. The parties request that the contested sentencing hearing be conducted not
2 by video but in-person in one of the covid ready courtrooms. The government anticipates
3 calling approximately 4 witnesses, who will testify relating to the applicability of certain
4 guideline enhancements that are at issue, and to provide the Court a more complete
5 understanding of the scheme and fraud perpetrated by Badea and others. The
6 government estimates that presenting this testimony may take approximately 2 to 3
7 hours.

8 2. Undersigned government counsel is out of the district on April 16 and 19.
9 One necessary witness, LVMPD Senior Financial Analyst Colin Haynes, is out of the
10 district from April 9 to April 19. Accordingly, while the parties hope that the hearing
11 would occur at the Court's convenience sometime in the next 30 days, the parties agree
12 in any event that the hearing should not be set earlier than April 20, 2021.

13 3. The defendant is not incarcerated and does not object to the continuance.

14 4. The parties agree to the continuance and need additional time to properly
15 prepare for the sentencing hearing.

16 5. The additional time requested herein is not sought for purposes of delay,
17 but merely to allow the parties sufficient time within which adequately prepare for the
18 sentencing hearing and so that the hearing can be held in-person. Additionally, denial of
19 this request for continuance could result in a miscarriage of justice, and the ends of justice

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served by granting this request, outweigh the best interest of the public and the defendant in a speedy hearing.

6. This is the second stipulation to continue the sentencing hearing.

DATED this 30th day of March, 2021.

CHRISTOPHER CHIOU
Acting United States Attorney

By /s/ Jason R. Margolis, Esq.
JASON R. MARGOLIS, ESQ.
Counsel for John Badea

BY /s/ Kimberly M. Frayn
KIMBERLY M. FRAYN
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
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Findings Of Fact, Conclusions Of Law And Order

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The parties request that the contested sentencing hearing be conducted not by video but in-person in one of the covid ready courtrooms. The government anticipates calling approximately 4 witnesses, who will testify relating to the applicability of certain guideline enhancements that are at issue, and to provide the Court a more complete understanding of the scheme and fraud perpetrated by Badea and others. The government estimates that presenting this testimony may take approximately 2 to 3 hours.

2. Undersigned government counsel is out of the district on April 16 and 19. One necessary witness, LVMPD Senior Financial Analyst Colin Haynes, is out of the district from April 9 to April 19. Accordingly, while the parties hope that the hearing would occur at the Court's convenience sometime in the next 30 days, the parties agree in any event that the hearing should not be set earlier than April 20, 2021.

3. The defendant is not incarcerated and does not object to the continuance.

4. The parties agree to the continuance and need additional time to properly prepare for the sentencing hearing.

5. The additional time requested herein is not sought for purposes of delay, but merely to allow the parties sufficient time within which adequately prepare for the sentencing hearing and so that the hearing can be held in-person. Additionally, denial of this request for continuance could result in a miscarriage of justice, and the ends of justice served by granting this request, outweigh the best interest of the public and the defendant in a speedy hearing.

6. This is the second stipulation to continue the sentencing hearing.

ORDER

THEREFORE, IT IS HEREBY ORDERED that the sentencing hearing in the above-captioned matters, currently scheduled for April 6, 2021, be vacated and continued to a date and time convenient to this Court, that is on April 28, 2021, at the hour of 9:00 a.m. in Courtroom 6C.

DATED this 1st day of April 2021.

HONORABLE ANDREW P. GORDON
United States District Court Judge